

REMARKS

The present application has been reviewed in light of the Final Office Action mailed November 17, 2009. Claims 1-15 and 23-24 are currently pending in the application, with independent claim 1 being amended herein and with claims 16-22 being canceled herein, without prejudice. Applicant hereby reserves the right to file the canceled claims in a continuation application. No new matter is believed to be introduced by the present amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Applicant would like to thank Examiner Woo for the courtesies extended to the Applicants' representative during a telephonic interview conducted on December 22, 2009. During the interview, Examiner Woo and the Applicants' representative agreed that the rejection under 35 U.S.C. § 112, first paragraph of the Final Office Action, mailed on November 17, 2009, was rendered moot since support for the limitation "interior sealed reservoir" may be found on page 14, lines 16 and 17. Also during the interview, Examiner Woo and the Applicants' representative discussed and reached an understanding with regard to possible amendments that would overcome the rejection of the claims under 35 U.S.C. § 103(a) over U.S. Patent No. 6,503,259. The present amendments and remarks reflect this understanding.

Claim 1 stands objected to for containing an informality. Accordingly, Applicants have amended Claim 1 to correct this informality. It is therefore respectfully requested that the objection be withdrawn.

Claims 1-15, 23, and 24 stand rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for failing to comply with the written description requirement. As discussed above, the limitation “interior sealed reservoir” may be found on page 14, lines 16-17 of the present specification. Therefore, Applicants believe the rejection of claims 1-15, 23 and 24 under 35 U.S.C. § 112 is now moot and should be withdrawn.

Claims 1-3 and 6-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,503,259 to Huxel et al. (hereinafter referred to as “Huxel”). Applicants respectfully submit that independent claim 1 is allowable under 35 U.S.C. § 103 (a) over Huxel because Huxel fails to teach each and every feature of claim 1, as amended herein. Accordingly, Applicants respectfully request withdrawal of the rejection to claim 1 under 35 U.S.C. § 103(a).

Independent claim 1, as amended herein, recites a support structure comprising, *inter alia*, an annular ring and a wound closure material retained in the sealed reservoir, wherein the sealed reservoir is configured to dispense the wound closure material upon penetration by the staples during use.

Upon a careful review of Huxel, it is apparent that Huxel does not disclose, teach or suggest an interior sealed reservoir “configured to dispense the wound closure material upon penetration by the staples during use,” as called for by claim 1. Accordingly, Applicants respectfully submit that independent claim 1, as amended, is patentably distinguishable over Huxel and is therefore allowable over Huxel under 35 U.S.C. § 103(a).

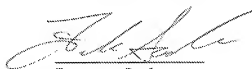
Claims 2-3 and 6-15 depend from claim 1, and each contains all of the features of claim 1. For at least the reasons presented above, Applicants respectfully submit that the subject matter of each of claims 2-3 and 6-15, as a whole, is also allowable under 35 U.S.C. § 103(a) over Huxel.

In view of the foregoing remarks, Applicants submit that all of the claims are in proper format, are patentably distinct from the prior art of record, and are in condition for allowance.

The Examiner is invited to contact the undersigned at the telephone number listed below with any questions concerning this application.

An early and favorable response on the merits is earnestly solicited.

Respectfully submitted,



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